

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

SEP 27 2007

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SHANE RANDY WATSON,

Defendant - Appellant.

No. 06-30497

D.C. No. CR-05-60003-HO

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Oregon
Michael R. Hogan, District Judge, Presiding

Submitted September 25, 2007^{**}
Portland, Oregon

Before: FERNANDEZ, SILVERMAN, and GRABER, Circuit Judges.

Shane Randy Watson appeals the district court's imposition of a 151-month sentence following his guilty plea to bank robbery under 18 U.S.C. § 2113(a). He also appeals the district court's order that the sentence run consecutively to a

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

separate 24-month sentence for a supervised release violation. He claims that his sentence is unreasonable in light of his medical condition and the Bureau of Prisons' refusal to provide appropriate medical treatment. He also argues that imposition of consecutive sentences in effect double-counts his criminal history, which is already taken into account by his classification as a career offender. We have jurisdiction under 28 U.S.C. § 1291. We affirm.

We review the district court's sentencing determination for unreasonableness. *Rita v. United States*, 127 S. Ct. 2456, 2459 (2007) (citing *United States v. Booker*, 543 U.S. 220, 261-63 (2005)); *United States v. Cantrell*, 433 F.3d 1269, 1278 (9th Cir. 2006). The district court properly calculated the guideline range and appropriately treated the sentencing guidelines as advisory. *Booker*, 543 U.S. at 245-46. The district court sentenced within the guidelines after considering Watson's arguments for downward departure, including his health, and considering the factors set forth in 18 U.S.C. § 3553(a). *Rita*, 127 S. Ct. at 2469. The sentence imposed was not unreasonable nor was it unreasonable to run the sentence consecutively to the supervised release sentence in light of Watson's prior record.

AFFIRMED.